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Letter dated 30 September 2011 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit to you the attached letter dated 26 September 2011 that I have received from Judge Khalida Rachid Khan, President of the International Criminal Tribunal for Rwanda (see annex).

In the letter, the President requests permission for Judge Bakhtiyar Tuzmukhamedov to work part-time at the International Criminal Tribunal for Rwanda and to engage simultaneously in another judicial occupation from 28 September 2011 to 31 December 2011. During this period, Judge Tuzmukhamedov will be completing his duties at the Constitutional Court of the Russian Federation. He intends to resume full-time work at the Tribunal thereafter, in order to complete the *Nzabonimana* case, in which judgement is expected to be delivered around March 2012.

I note that, pursuant to Security Council resolution 1932 (2010), the term of office of Judge Tuzmukhamedov will expire on 31 December 2011. However, it is my understanding that the President of the Tribunal will seek permission for Judge Tuzmukhamedov to continue serving at the Tribunal beyond that date, until the completion of the *Nzabonimana* case, and may request the redeployment of Judge Tuzmukhamedov to the Appeals Chamber of the Tribunal.

It falls to the Security Council to consider and decide on this request. Accordingly, I would be grateful if you would bring the letter from President Khan to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Annex

Letter dated 26 September 2011 from the President of the International Criminal Tribunal for Rwanda addressed to the Secretary-General

[26 September 2011]

I would be grateful if you could bring this urgent matter to the attention of the Security Council.

Leave is requested for Judge Bakhtiyar Tuzmukhamedov to work on a part-time basis from 28 September 2011 until 31 December 2011, while engaged in another judicial occupation.

Judge Tuzmukhamedov is requesting to work on a part-time basis to enable him to complete his duties at the Constitutional Court of the Russian Federation and thereafter resume his work at the Tribunal on a full-time basis. Judge Tuzmukhamedov has informed me that he will be paying for his own travel home and back to the Tribunal as well as any expenses incurred.

Judge Tuzmukhamedov is involved in the *Ndahimana* and *Nzabonimana* cases, which are the judgement drafting phase. the *Ndahimana* judgement will be delivered as scheduled in November of this year. However, I have been informed by Judge Bossa, the Presiding Judge in the *Nzabonimana* case, that despite all efforts to maintain the original judgement delivery date, this case will be delayed until March 2012. I understand from my conversation with Judge Bossa that the delay is caused primarily by the complexity of the case, that four members of the legal team are new, the judgement coordinator has also been handling the *Ndahimana* case and that the judges have been working simultaneously on other cases.

Judge Tuzmukhamedov has assured me of his commitment to the work of the Tribunal and the complete and honourable discharge of his obligations. He has also assured me that this arrangement will not give rise to any conflict of interest and will not delay the judgement delivery in the *Ndahimana* and *Nzabonimana* cases.

In these exceptional circumstances and considering the importance of the timely completion of the *Nzabonimana* case, I request that the Security Council authorize Judge Tuzmukhamedov to work part-time from 28 September 2011 until 31 December 2011 and to engage in another judicial occupation in his home country during that period.

(*Signed*) Khalida Rachid **Khan**
President